

Amendment and Response
Attorney Docket No. NXL-001
U.S. Serial No. 10/825,883
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REMARKS

Claims 1-20 were presented for examination. The Office Action mailed October 14, 2005 states restriction is required to one of three inventions: (I) claims 1-9, drawn to a micro-pattern embedded optical film that supports growth, identification, and measurement of cells; (II) claims 10-13, drawn to a method of conducting cell-based assays using micro-pattern embedded optical film; and (II) claims 14-20, drawn to an apparatus with a micro-pattern-embedded optical film that supports growth, identification, and measurement of cells. Furthermore, the Office Action states that the Applicant is required to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. The following patentably distinct species are identified in the Office Action:

- 1) cells;
- 2) supporting components;
- 3) geometric shapes;
- 4) pressure sensitive adhesive; and
- 5) energy curable adhesive.

Applicant herein makes a provisional election of Group III (claims 14-20) with claims directed to the supporting components species. Claims 1-9 are withdrawn and claims 10-13 and 20 are canceled herein. New claims 21 and 22 depend directly from independent claim 14. Thus Applicant submits that Group III properly includes claims 14-19, 21 and 22. Applicant expressly reserves the right to pursue the non-elected claims in a co-pending divisional application.

A petition for a one month extension of time is being filed concurrently herewith along with a request to charge the appropriate extension of time fee to Deposit Account No. 502295.

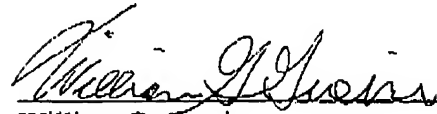
If the Examiner believes that a telephone conversation with the Applicant's representative would expedite allowance of this application, the Examiner is cordially invited to call the undersigned at (508) 303-2003.

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Respectfully submitted,

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